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12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION
16

17 3taps, Inc.,

18 Plaintiff,

19 vs.

20 LinkedIn Corporation,

21 Defendant.
22

Case No. 18-cv-00855-EMC

**STIPULATION AND [PROPOSED]
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

Judge: Hon. Edward M. Chen

Action Filed: February 8, 2018

Trial Date: None Set

STIPULATION AND [PROPOSED] ORDER

WHEREAS, Plaintiff 3taps, Inc. (“3taps”) filed the complaint in the above-captioned action against Defendant LinkedIn Corporation (“LinkedIn”) on February 8, 2018 (ECF No. 1);

WHEREAS the complaint in the above-captioned action consists of a single count for a declaratory judgment that LinkedIn cannot assert the Computer Fraud and Abuse Act, 18 U.S.C. § 1030 (“CFAA”) to prevent 3taps from accessing certain portions of LinkedIn’s website;

WHEREAS, on February 23, 2018, this action was reassigned to this Court as related to *hiQ Labs, Inc. v. LinkedIn Corp.*, No. 17-cv-03301-EMC (the “hiQ Action”) (*see* ECF No. 97 in No. 17-cv-03301-EMC);

WHEREAS, on March 9, 2020, LinkedIn filed a petition for a writ of certiorari in the Supreme Court of the United States in the hiQ Action (“Petition”) concerning a question concerning the scope of the CFAA, the outcome of which may impact the viability of the declaratory judgment that 3taps seeks in this action;

WHEREAS, the Court entered a scheduling order in this case whereby LinkedIn’s deadline to answer or otherwise respond to the complaint, the resumption of discovery, and other deadlines depend on the date that the Supreme Court either rules on LinkedIn’s Petition, or issues an opinion on the merits in the hiQ Action (ECF No. 30);

WHEREAS, the Supreme Court likely will not consider the Petition until the end of September, 2020, based on its current briefing schedule;

NOW, THEREFORE, FOR GOOD CAUSE, IT IS HEREBY STIPULATED AND AGREED:

1. The case management conference currently set for July 23, 2020 is continued to December 17, 2020 at 1:30 p.m.

2. Nothing in this stipulation or order affects any other deadline in ECF No. 30.

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1 DATED: June 16, 2020

THE LAW OFFICES OF THOMAS V.
CHRISTOPHER

2
3 By: /s/ Thomas V. Christopher

4 THOMAS V. CHRISTOPHER

5 *Attorneys for Plaintiff 3taps, Inc.*

6
7 DATED: June 16, 2020

MUNGER, TOLLES & OLSON LLP

8
9 By: /s/ Jonathan H. Blavin

10 JONATHAN H. BLAVIN

11 *Attorneys for Defendant LinkedIn Corporation*

12 **N.D. Cal. Civil Local Rule 5-1 Attestation**

13 I, Jonathan H. Blavin, am the ECF user whose credentials were utilized in the electronic
14 filing of this document. In accordance with N.D. Cal. Civil Local Rule 5-1, I hereby attest that
15 Thomas V. Christopher concurred in the filing of this document.

16
17 /s/ Jonathan H. Blavin

18 Jonathan H. Blavin

19
20 **[PROPOSED] ORDER**

21 Pursuant to Stipulation, it is SO ORDERED.

22
23 DATED: June ___, 2020

24
25 _____
26 The Honorable Edward M. Chen